

PROB 12B (Rev. 05/21/14) <b>SUPERVISION REPORT</b> REQUEST FOR MODIFYING THE CONDITIONS OR TERM OF SUPERVISION WITH THE CONSENT OF THE OFFENDER (Probation Form 49, Waiver of Hearing is Attached)				<b>U. S. Probation Office</b> Eastern District of Michigan	<b>DATE</b> 08/25/2014
<b>NAME</b> JOHNSON, Michael Paul		<b>PACTS</b> 27869		<b>JUDGE</b> Thomas L. Ludington	<b>DOCKET #</b> 14-CR-20437-01
<b>ORIGINAL SENTENCE DATE</b> 12/03/2008	<b>SUPERVISION TYPE</b> Supervised Release  <b>COMMENCED</b> 10/30/2013	<b>CRIMINAL HISTORY CATEGORY</b> I	<b>TOTAL OFFENSE LEVEL</b> 32	<b>PHOTO</b> 	
<b>REPORT PURPOSE</b> <b>REQUEST TO MODIFY CONDITIONS</b>					
<b>RECOMMENDATION</b> <b>MODIFICATION</b>					
<b>ORIGINAL OFFENSE</b> 18 U.S.C. § 2252(a)(2), Receipt of Visual Depictions of Minors Engaging in Sexually Explicit Conduct					
<b>SENTENCE DISPOSITION</b> Custody of the Bureau of Prisons for a term of 84 months, followed by a ten-year term of supervised release.					
Name of Sentencing Judicial Officer: Honorable Robert W. Pratt in the Southern District of Iowa. Jurisdiction accepted by the Honorable Thomas L. Ludington on July 28, 2014.					
<b>ORIGINAL SPECIAL CONDITIONS</b> <ol style="list-style-type: none"> <li>1) The defendant shall submit to the U.S. Probation Officer conducting periodic unannounced examinations of the defendant's computer(s) equipment which may include retrieval and copying of all data from the computer(s) and any internal or external peripherals to ensure compliance with this condition and/or removal of such equipment for the purpose of conducting a more thorough inspection; and to have installed on the defendant's computer(s), at the defendant's expense, any hardware or software systems to monitor the defendant's computer use.</li> <li>2) The defendant may not possess any type of camera (to include cameras within cellular telephone) or video recording device without the U.S. Probation Officer approval.</li> <li>3) The defendant shall maintain a daily log of all addresses or sites accessed via any personal computer (or other computer used by the defendant), other than for authorized employment, and make this log available to the U.S. Probation Officer.</li> <li>4) The defendant shall refrain from associating with anyone engaged in the exploitation of minors, known or unknown to local, state, or federal law enforcement.</li> <li>5) The defendant shall not possess or use a computer or any device with an internal, external or wireless modem, except that the defendant may, with the prior approval of the Court, use a computer in connection with authorized employment. The defendant shall permit third party disclosure to any employer or potential employer, concerning any computer-related restrictions that are imposed upon the defendant.</li> </ol>					

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<p>6) The defendant shall not view or possess any form of pornography, sexually stimulating or sexually orientated material including books, videos, magazines, cut-outs or pornography of any kind as deemed inappropriate by the U.S. Probation Officer and/or treatment staff. The defendant shall not enter any location where pornography or erotica are the primary products for purchase or viewing. The defendant shall not enter any location where the primary function is to provide adult entertainment. The defendant shall not correspond or communicate in person, by mail, telephone, or computer, with individuals or companies offering to buy, sell, trade, exchange, or produce visual depictions of minors or adults engaged in sexually explicit conduct.</p> <p>7) The defendant shall participate in an approved treatment program for mental health. Participation may include inpatient/outpatient treatment, as directed by the Probation Officer. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment.</p> <p>8) The defendant shall obtain residences as approved by the U.S. Probation Officer. The defendant shall notify the U.S. Probation Office of any locations where you may receive mail or like matter. The defendant shall not obtain a new mailing address, post office box or the facility of any private business for the delivery and receipt of like matter without the approval of the U.S. Probation Office.</p> <p>9) The defendant shall have no unsupervised, personal, mail, telephone, or computer contact with children/minors under the age of 18.</p> <p>10) The defendant shall not obtain employment or volunteer where you would be supervising, working with or associating with persons under the age of 18, or where you would have access to on-line capabilities such as the "Internet" unless approved in advance by the U.S. Probation Office.</p> <p>11) The defendant shall participate in a sex offender treatment program, to include psychological testing and a polygraph examination, as directed by the U.S. Probation Officer. The defendant shall also abide by all supplemental conditions of sex offender treatment, to include, but not limited to signed releases of information. Participation may include inpatient/outpatient treatment, if deemed necessary by the treatment provider. The defendant will contribute to the costs of services rendered (co-payment) based on ability to pay or availability of third party payment. Sex offender assessments and treatment shall be conducted by therapists and polygraph examiners approved by the U.S. Probation Office, who shall release all reports to the U.S. Probation Office.</p> <p>12) The defendant shall not buy, sell, exchange, possess, trade, or produce visual depictions of minors or adults engaged in sexually explicit conduct. The defendant shall not correspond or communicate in person, by mail, telephone, or computer, with individuals or companies offering to buy, sell, trade, exchange, or produce visual depictions of minors or adults engaged in sexually explicit conduct.</p> <p>13) The defendant is aware that any results of a polygraph examination would not be used for the purpose of revocation of Supervised Release. Polygraph results will be reported by the U.S. Probation Office to appropriate treatment personnel. If disclosure is required by mandatory reporting child abuse or child sexual abuse laws, polygraph results will be reported to appropriate law enforcement and related agencies with the approval of the Court. If polygraph results reveal possible new criminal behavior, this will be reported to the appropriate law enforcement and related agencies after obtaining approval from the Court.</p>				

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14) The defendant shall comply with all sex offender laws for the state in which he resides to include, but not limited to: registering with the local sheriff's office within the applicable time frame.

15) The defendant shall not possess or use a computer or any other device which accesses the Internet without the prior written approval of the U.S. Probation Office. If approved to use a computer by the U.S. Probation Office, the defendant shall not use a computer or any other similar device with an internal, external or wireless modem, in violation of conditions of supervision or a criminal matter. The defendant shall submit to a search of his computer at any time as directed by the probation officer. The defendant shall cooperate with the U.S. Probation Office's monitoring of compliance with this condition. Cooperation shall include identifying systems you have access to, and allowing the installation of monitoring software/hardware. The U.S. Probation Office may access monitoring software/hardware at any time with or without suspicion that he has violated the conditions of supervision. The defendant shall notify all persons having access to the system that they are subject to random inspections and monitoring. As directed by the U.S. Probation Office, the defendant shall be required to pay the costs for system monitoring.

Criminal Monetary Penalty: Special Assessment \$100.00 (paid).

#### **PETITIONING THE COURT**

To modify the condition(s) of probation or supervised release as follows:

"The offender will be allowed to have unsupervised contact with his biological son, at the discretion of the probation department."

On August 27, 2014, JOHNSON signed a Probation 49, Waiver of Hearing to Modify Conditions of Probation/Supervised Release, to include the aforementioned condition.

#### **CAUSE**

JOHNSON began his ten-year term of supervised release on October 30, 2013. He currently resides with his wife and son (age eight) in Bay City, Michigan. The offender is presently employed at Nexteer Automotive, located in Saginaw, Michigan, and works there on a full-time basis.

At the onset of his supervision, the offender was enrolled in sex offender treatment at Saginaw Psychological in Bay City, Michigan. Since that time, this writer has been in close communication with the offender's therapist, Kyle West, regarding his progress in treatment. Mr. West informed this writer that the offender continues to play an active role in his treatment and that he believes the offender presents a low risk for deviant behavior towards his son. In addition, the offender has successfully developed a detailed relapse prevention plan, which outlines strategies to avoid high risk settings that could potentially lead to dangerous situations for the offender and others. This writer has also participated in treatment sessions with Mr. West, the offender, and his wife regarding strategies to minimize risk and ways in which the offender's support system can help him maintain a pro-social lifestyle.

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Due to the offender's progress in treatment and in conjunction with the recommendation of Mr. West, the probation department believes it is appropriate to allow the offender to have unsupervised contact with his son at this time. The offender has verbalized his desire to play an active role in his son's life and has also demonstrated his ability to identify high risk situations, while taking appropriate actions to mitigate those risks. The probation department believes that allowing this contact will alleviate a great deal of strain that is on the offender's family, while also providing the offender with the opportunity to strengthen his relationship with his son. It has been made clear to the offender that if the Court grants this permission, he is still prohibited from any other unsupervised contact with minors. The offender will continue to participate in treatment with Mr. West and will have ample opportunity to discuss any challenges or struggles that develop as a result of this contact. This writer will also continue to participate in the offender's treatment sessions and will closely monitor his progress.

PROBATION OFFICER  s/Matthew A. Romeo/slg 989-894-8829	DISTRIBUTION  Court
SUPERVISING PROBATION OFFICER  s/John D. Ade 810-341-7875	PROBATION ROUTING  Data Entry

### THE COURT ORDERS:

Modification as Noted Above  
 Other

s/Thomas L. Ludington  
United States District Judge

September 3, 2014  
Date